

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Miguel Barraza, et al,

Plaintiffs

v.

U.S. Bank National Association, et al,

Defendants

2:16-cv-00484-JAD-VCF

**Order Denying Motion for Entry of
Default**

[ECF No. 16]

Plaintiffs Miguel Barraza, Dinora Barraza, and Nana I AM sue U.S. Bank, Clear Recon Corp., PNC Bank, and the Golden Team Keller Williams Realty for a host of claims including fraud, RICO, and conspiracy.¹ The plaintiffs move the Clerk of Court to enter default against Clear Recon Corp., arguing that this defendant was served on March 7, 2016, but has not answered the complaint.²

Rule 55(a) of the Federal Rules of Civil Procedure requires a default to be entered “when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend.”³ Although the plaintiffs are correct that Clear Recon Corp. has not answered, it has otherwise defended itself in this action: it has joined in the banks’ motion to dismiss.⁴

Accordingly, IT IS HEREBY ORDERED that plaintiffs’ request for entry of default [ECF No. 16] is DENIED.

Dated this 29th day of April, 2016



Jennifer A. Dorsey
United States District Judge

¹ ECF No. 1.

² ECF No. 16.

³ Fed. R. Civ. P. 55(a).

⁴ See ECF No. 17.